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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,798	06/16/2000	William J. Brosnan	IGT1P021/P-239	3320

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EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/01/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,798

Applicant(s)

BROSNAN, WILLIAM J.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

This is a response to the Amendment received on June 10, 2003, in which claims 1, 8-9, 13-15, 17, 19, 27 and 31 were amended and claim 32 was added. Claims 1-32 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9, 11-23 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. Patent No. 6,409,602; hereafter "Wiltshire") in view of Vuong.

Wiltshire discloses a gaming machine having a housing, a master gaming controller (Figure 1D, item 110); a display (Figure 1A, item 140); one or more input devices coupled to a housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine (Figure 1A, item 150); a communication interface connected to a network of gaming machines (Figure 1A); a memory storing downloadable game software for generating different types of games played on a plurality of gaming machines (abstract, lines 9-21); wherein the gaming machine is capable of providing one or more game services (abstract, lines 9-13), including sending game software (abstract, lines 9-13), to a plurality of gaming machines within the network of gaming machines and wherein the gaming machine is capable of sending a first game software to a second gaming machine in a network wherein the second game executes the first game software (abstract, lines 9-21) and wherein the first game played on the second gaming machine comprises: receiving a wager on a first game outcome for the first game; generating the first game outcome of the first game on the second gaming machine and displaying the first game outcome (abstract, lines 9-21). Wiltshire does not disclose that the server/host gaming machine (Figure 1D, item 110) is configured to play a game. However, Vuong discloses that a gaming machine can act as a server (4:12-13) in order to provide players the ability to play against each other. One would be motivated to combine the references in order to provide the ability to play against other players (4:8-13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to incorporate Vuong's game server acting as a gaming machine into Wiltshire's server/host computer in order to provide the ability to play against other players.

Referring to claim 2, Wiltshire discloses the game played on the gaming machine being a slot game, video poker, video blackjack, keno and lottery (Figure 4B and 1:26-43).

Referring to claim 3, Wiltshire discloses that the game service is game serving and progressive game play (abstract and 5:8-13).

Referring to claim 4, Wiltshire discloses the gaming machines in the network are connected in at least one loop.

Referring to claim 5, Wiltshire discloses the gaming machines can be coupled by fiber optic, wire or wireless connections.

Referring to claim 6, Wiltshire discloses a gaming machine that has a concentrator for gathering information from a plurality of gaming machines in the network of gaming machines (4:66-5:13).

Referring to claim 7, Wiltshire discloses a game machine that has a translator that translates one communication protocol to another communication protocol (3:67-4:3, by suggesting a combination of communication pathways, Wiltshire insinuates that a translator is used).

Referring to claim 8, as shown above, Wiltshire discloses a gaming machine that includes the game server is a component in at least one of the plurality of gaming machines in the gaming machine network.

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Referring to claim 9, Wiltshire discloses a gaming machine that includes the game server has a microprocessor for performing server functions. It is inherent that a game server includes a processor for performing game server functions.

Referring to claim 11, Wiltshire discloses a gaming machine that includes a memory device storing game information from a plurality of gaming machines (4:49-59).

Referring to claim 12, Wiltshire discloses a gaming machine that includes game information is a number of games played, a number of wins, number of losses, a game event, and an amount of money wagered for one or more gaming machines (4:66-5:13).

Referring to claims 13, Wiltshire discloses the gaming machine is capable of generating configuration commands and sending the configuration commands to a second gaming machine wherein the configuration commands are for reconfiguring one of hardware settings, game software settings on the second gaming machine (abstract, lines 9-13 and lines 20-22).

Referring to claim 14, Wiltshire discloses the gaming machine is capable of receiving game information from one or more gaming machines via the communication interface, controlling a gaming service of at least of a bonus game, a progressive game and combinations using the received game information and providing the bonus game, the progressive game and combination thereof to the one or more gaming machines (4:66-5:13).

Referring to claim 15, Wiltshire discloses the gaming machine is capable of displaying a list of games on the displaying available for game play on the gaming machine, receiving a selection of one of the games on the list, loading game software for the selected game from a memory store the game software and generating the selected game on the gaming machine using the loaded software (abstract and Figure 4B).

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Referring to claim 16, Wiltshire discloses a gaming machine that includes a casino area network (Figure 1D) and a progressive game network.

Claims 17-23 and 25-26 correspond in scope to a method set forth for use of the gaming machine listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 27-28 correspond in scope to a method set forth for use of the gaming machine listed in the claims above and are encompassed by use as set forth in the rejection above.

Referring to claims 29-31, as shown above Wiltshire discloses a gaming machine and method for providing game configurations to a group of gaming machines connected to a network, but does not disclose setting up a play limit, such as a credit limit. However, it is notoriously well known in the art of gambling to use a credit limit in order to save casino money. For example, a player could start off betting one dollar and if each time the player lost, the player could then bet double his previous bet until the player receives only one winning outcome and thus, the player wins more than he lost. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a credit limit into the gaming system of Wiltshire in order to protect the casino.

Referring to claim 32, Wiltshire discloses a gaming network having wagering games, but does not disclose configuring information including game jurisdiction information. However, it is notoriously well known to alter a game jurisdiction information based upon location with a wagering game due to a wide variety of federal, state and local governments that try to enforce their respective gambling laws over the remote network system. This information would help ensure that the laws for each respective region would not be broken and would help protect the

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gaming system's company from any sort of lawsuit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate game jurisdiction information into the configuration information of Wiltshire in order to help ensure that the law is not broken and to help protect the gaming system's company from any unnecessary lawsuits.

Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire in view of Vuong, as shown above in claims 1-9, 11-23 and 25-32, further in view of Weiss (U.S. Patent No. 5,611,730).

Referring to claim 10, Wiltshire and Vuong disclose a gaming machine that includes a memory, but does not disclose that the memory is removable. However, Weiss discloses that the memory is removable (9:12-35 and 18:27-29). One would be motivated to combine the two references since both references deal with network gaming machines. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate removable memory, as disclosed in Weiss, into the invention of Wiltshire and Vuong because problems could occur with the memory and new memory may have to be added and the old memory be examined for diagnostic checks.

Referring to claim 24, Wiltshire discloses a method that has a game operation, but does not disclose the game operation being either presenting a bonus game or displaying a progressive jackpot. However, Weiss discloses a progressive gaming system. One would be motivated to combine the two references since both use network gaming systems in a casino environment. Also, it notoriously well known in the arts that slot games have bonus features, such as bonus

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games and progressive jackpots, to attract players. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the bonus features of Weiss with Wiltshire's invention because casinos can generate more money since the slot machine would attract more players.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Further, it is noted that the Applicant's failed to reasonably traverse examiner's well known statements in their response, therefore, the object of the examiner's statements (e.g. well known within the gaming arts to include bonus games, progressive games and a combination thereof into gaming machines in order to enhance the payouts and therefore generate interest within the game) is taken as admitted prior art. *In re Chevenard*, 139 F.2d 711, 60 USPQ 239 (CCPA 1943).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

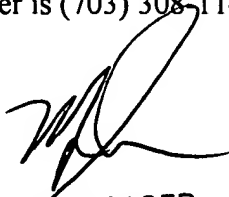
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
June 25, 2003



MARK SAGER
PRIMARY EXAMINER